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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Anthony P. Peirce, et al.

Serial No.: 09/301,961

Filed: April 4, 1999

For: Method and Apparatus for  
Hydraulic Fracturing Analysis and  
Design

) Attorney Docket No:  
) 56.0468  
)

) Group Art Unit: 2123  
)

) Examiner: Day, Herng-Der  
)

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Technology Center 2100

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir

**(A) Introductory Comments**

This paper is filed in response to the First Office Action dated February 26<sup>th</sup>, 2003 in the captioned application. Applicant respectfully requests that the Examiner consider Applicant's amendments and remarks as putting the claims in condition for allowance.

07/03/2003 MBERHE 00000023 041579 09301961

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**Status of the Claims**

Claims 1-20 are pending in this application prior to this amendment. All pending claims have been rejected. Claims 1-20 were rejected under 35 U.S.C §112 first paragraph; claims 3 and 11 were rejected under 35 U.S.C. §112, second paragraph. Claims 1, 2, 5 and 20 were rejected under 35 U.S.C §102(b) as being anticipated over *GOHFER*. Claims 13-19 were rejected under 35 U.S.C §103(a) as being unpatentable over *GOHFER* in view of *Linkov*. The Examiner has indicated that claims 3, 4 and 6-12 would be allowable once the rejections under 35 U.S.C §112 are overcome, and for the dependent claims, if further rewritten to include all the limitations of the base claim and any intervening claims .